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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,099	05/31/2000	Nino Richard Vaghi	04480002CA	4453

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EXAMINER

CHARLES, DEBRA F

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/584,099	VAGHI, NINO R.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Debra F. Charles	3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### *Terminal Disclaimer*

1. The terminal disclaimer filed on 17 April 2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Pat. 6,376,783 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### *Response to Arguments*

2. Applicant's arguments filed 17 April 2003 have been fully considered but they are not persuasive.

The cited references show all of the elements of the claimed scale and the only issue in the instant application is whether the combination of these references would have been obvious to one of ordinary skill in the art. However, the combination of these references would have been obvious to one of ordinary skill in the art for the following reasons:

(1) There would be no invention in merely shifting the location of adjusting means disclosed by the admitted prior art to a different position, since it has been held that rearranging parts of an invention involves only routine skill in the art. In *re Japikse*, 86 USPQ 70.

Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make a weighing scale integral with various devices as described since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164(1983). In *re Larson*, 340 F.2d 965, 968, 144 USPQ 247, 349 (CCPA).

(2) It would be within the level of ordinary skill in the art to employ any scale in the housing of another device as disclosed by Baitz, EerNisse and Dlugos for an electronic scale of the sort here involved.

(3) It also would be within the level of ordinary skill in the art to employ any known printer, personal computer and a weighing unit is mounted at least partially within the housing of a device. This conclusion is based on the finding that one of ordinary skill in the art would have common sense and the necessary mechanical skill to make simple reversals of positions of mechanical parts without an express teaching in a reference. See *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969) (it is proper to rely on a conclusion of obviousness "from common knowledge and common sense of the person of ordinary skill in the art without any specific hint or suggestion in a particular reference"); *In re Jacoby*, 309 F.2d 513, 516, 135 USPQ 317,

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319 (CCPA 1962) (the artisan must be presumed to know something about the art apart from what the references expressly disclose.); In re Sovish, 769 F.2d 738, 743, 226 USPQ 771, 774 (Fed. Cir. 1985) (a rejection for obviousness involves consideration of the ordinary skill in the art, and it is wrong to presume stupidity rather than skill).

For the reasons stated above, the rejection of claims 21-33 is sustained.

Appellant addresses the deficiencies of the references individually (Request for reconsideration, pages 1-8). One cannot show nonobviousness by attacking the references individually where, as here, the rejection is based on a combination of references. In re Keller, 642 F.2d 413, 426, 208 USPQ 871, 882 (CCPA 1981).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21, 23, 24, 28, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baitz et al. (US 6037548 A) and EerNisse et al. (US 4526247 A).

Baitz et al. disclose an electronic scale integrally formed within a flat-panel display, comprising:

a platform for supporting an item (Baitz et al., Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

And an electronic scale integrally formed within a CRT monitor, comprising: a platform for supporting an item; and a platform for supporting an item (Baitz et al., Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

And an electronic scale integrally formed within a CPU unit of a personal computer, comprising:

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a platform for supporting an item(Baitz et al., Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

And a flat-panel display, comprising: a housing; a platform for supporting an item(Baitz et al., Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

And a CRT monitor for a personal computer, comprising: a housing; a platform for supporting an item(Baitz et al., Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

And a CPU for a personal computer, comprising: a housing; a platform for supporting an item(Baitz et al., Abstract, col. 1, lines 39-67, i.e. "weighing plate, and which contains a data processing and control unit", "display/input device", "use of a flat monitor"); and a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform (col. 2, lines 15-30, i.e. housing of the scales in each case for installing such units" and claim 1, i.e. "an electronics box whose topside is covered by a weighing plate").

Re claims 21, 23, 24, 28, 30 and 32: Baitz et al. does not explicitly disclose a force transducer. However, EerNisse et al. discloses a transducer system for a weighing scale. Thus, it would have been obvious to one of ordinary skill in the art to employ a force transducer to get the benefit of converting the weight of an object into an electrical signal property indicative of the weight of the object.

5. Claims 26, 31, 27 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baitz et al. and EerNisse et al. as applied to claims 23,24,30, and 32 above, and further in view of Dlugos (US 6,098,057 A).

Baitz et al. and EerNisse et al. does not explicitly disclose that wherein the CRT monitor is one of a stand-alone monitor and a monitor included in a portable personal computer.

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And wherein the CPU unit is one of a stand-alone unit and a unit included in a portable personal computer.

However, Dlugos in col. 9, lines 44-60 and in Fig. 2, discloses a full featured computer having suitable CPU, a monitor and a keyboard, all of which is physically remote from the printing and weighing means. Thus, it would have been obvious to one of ordinary skill in the art to employ a stand-alone CRT and CPU to get the benefit of calculating weight and postage using a flexible computer apparatus set up.

6. Claims 22, 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dlugos and EerNisse et al.

Dlugos disclose a electronic scale integrally formed within a printer of a personal computer, comprising: a platform for supporting an item; and a weighing unit mounted at least partially within a housing of said printer, said weighing unit . . . which outputs a weight signal indicative of a weight of said item when said item is placed on said platform.

And a system for computing a postal or carrier rate, comprising: a piece of office equipment selected from the group consisting of a flat-panel display unit, a CRT monitor, a CPU unit of a personal computer, and a printer, an electronic scale integrally formed within a housing of said piece of office equipment, said electronic scale including a platform for supporting an item and a weighing unit mounted at least partially within a housing of said flat-panel display, said weighing unit . . . which outputs a weight signal indicative of a weight of said item when said item is placed on said platform; and a processor for computing a postal or carrier rate for said item based on said weight signal.

And a printer for a personal computer, comprising: a housing; a platform for supporting an item; and a weighing unit mounted at least partially within the housing . . . which outputs a weight signal indicative of a weight of said item when said item is placed on the platform(Dlugos, col. 4, lines 5-10, i.e. "a first printing means is co-located with an operatively connected to the weighing means for printing at least a unique number for and on each mail piece", col. 8, lines 20-65, i.e. "the apparatus of the invention further comprises an integral weighing and printing apparatus, designated generally by the reference numeral 32. The weighing and printing apparatus comprises a scale, which is preferably in the form of an electronic scale such as any of a number of such scales marketed by Pitney Bowes. The scale includes a platform which, in the conventional use of the scale supports mail pieces in the form of envelopes and packages which are to be weighed for the purpose of determining the postage." And "the scale includes an integral first data processing means, indicated by the separate box, although typically the data processing means is part of the electronics package housed within the scale", col. 9, lines 40-60, i.e. "full-featured computer having a suitable CPU, a monitor and keyboard, all of which are physically remote from the printing and weighing means").

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Dlugos does not explicitly disclose a force transducer. However, EerNisse et al. in the Abstract disclose a transducer system for a weighing scale. Thus, it would have been obvious to one of ordinary skill in the art to employ a force transducer to get the benefit of converting the weight of an object into an electrical signal property indicative of the weight of the object.

**7. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

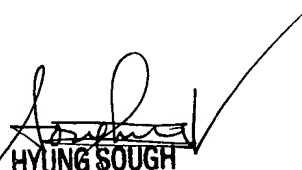
Debra F. Charles

Examiner

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dfc

June 29, 2003

  
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